

**CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
WASTE TIRE HAULER/MANIFESTING VIOLATIONS
STIPULATION, DECISION, AND ORDER**

Complainant, the California Department of Resources Recycling and Recovery (CDRRR) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

CDRRR ENFORCEMENT ORDER NUMBER: 2013-000449-PEN

RESPONDENT: The Tires Market (aka: The Tire Source, De Leon Tires, Daniela De Leon)
1137 3rd Avenue
Chula Vista, CA 91911

PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED: §42961.5 (c) (2)

TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: §18456.4 (c)

DESCRIPTION OF VIOLATIONS:

Between May 2, 2012 through October 2, 2012, **The Tires Market** submitted incorrect and/or incomplete manifests in violation of PRC §42961.5 (c) (2). In addition, CDRRR staff documented that the operator's Temporary Registration Certificate was used but the operator failed to notify CDRRR within two (2) calendar days of its use which is a violation of 14 CCR §18456.4(c).

Pursuant to PRC §42961.5 (c) (2) Any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by CDRRR. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to CDRRR, on a quarterly schedule, a legible copy of each manifest.

Pursuant to 14 CCR § 18456.4 (c), the registered waste tire hauler shall notify the Department in writing within two (2) calendar days of when the temporary registration certificate is used by completing and submitting form CalRecycle 682 "Notification of Use of Temporary Registration Certificate."

DATE(S) OF VIOLATION: On or after June 15, 2012; August 23 and 28, 2012; September 25, 2012 (2 counts); and October 2, 2012

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: \$300

NUMBER OF COUNTS: 6

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Department of Resources Recycling and Recovery resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Department of Resources Recycling and Recovery in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CDRRR has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

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"Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the parties hereto. / / / / / / / / / / / / / / / /

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Department Director signs it.

/ / / / / / / / / / / / / / / /
Dated: Apr. 17, 2013 Signature: [Signature]

Printed Name: Daniela De León

Job Title: owner

Name and Address of Business Entity: The tires market 1137 3rd Avenue Chula Vista, CA 91911

Any DBAs: The tires market

For California Department of Resources Recycling and Recovery Use Only

STATEMENT BY DIRECTOR:

The foregoing stipulation has been adopted by the California Department of Resources Recycling and Recovery as its final decision and order and is effective upon execution below by the Director of the California Department of Resources Recycling and Recovery.

IT IS SO ORDERED:

Dated: 4/17/13

[Signature]
Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery